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CIA  
CHURCH COMMITTEE  
SCOWCROFT, BRENT  
ASSASSINATIONS, FOREIGN LEADERS  
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178-10004-10314

- P/Intelligence Wty  
(K, S, L, H, B, M, 130 et 75  
March, Rumsfeld)
- (Wty under way)
- S (Argued that Atty Gen should not oppose ~~the~~ NSA surveillance)
- P In case of tele. taps for a particular embassy you sign each one. For NSA, you would sign a genl one that it is w/in a law
- L Yes, but I think it should be periodically renewed
- S Question is whether Atty Gen should rule on surveillance limited at Sov Embassy. Also an issue of Atty Gen ruling on overseas surveillance.
- C The technology is advancing so fast that phone calls could be routed overseas for call bet. Wash & Rich.
- L 2<sup>nd</sup> circuit has held that overhearing an Am. abroad is a violation.
- P I would think Pres would want Atty Gen involved in periodic review so he would know what might come up in a paper.
- S The article in a paper today results from Presidential directives.
- K What is in a paper today results from us dumping vast quantities of material on a writer. The paper has just said we have broken a Egyptian code - it has been known. I think rather than just say a law is filed we should try to educate - commit to a resolution of a world & am natl security mech.
- L Once a country, a commit are moving, but in a wrong direction. We maybe need a statute that we have to be careful about our practices as we prepare case
- P I think trying to get a statute would be a disaster

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in today's environment. Maybe a statute in a year or so, but now will just have to use guidelines.

K Does Ed want to appear only U.S.A. op.

L I think we have to have some guidelines, perhaps as % of incidental US traffic overheard.

S I think we can work out guidelines. I am worried about a Atty Gen. being the biggest intel officer for these purposes.

P Let's have State, Dep, CIA draw up guidelines and then submit it w/ Atty Gen.

B Church is ready on asstn report. They will let me review a document for security & sensitivity, but not on a merits case. We don't want to get you in position of rep. for a report. They won't let us edit it or approve it.

P I guess it's a matter on basis they would handle it as carefully as we have.

Sc. If they publish a report at all it is irresponsible.

K If these things get put out, senior officials will stop speaking frankly and foreign govt will wonder about this ability to work w/ us confidentially.

P I think this is a more highly sensitive area than any we have had.

C Any document which officially shows US involvement in asstn is a F-P disaster.

P I never assumed they had a right to publish any of this.

L There is no legal way we can prevent it.

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P I don't know what the letters of transmittal was, but I said they had to handle these certain documents as we had - and we released none.

M Once they have a document, a speech & debate clause means there is no way we can prevent its release.

K The main element in these investigations is the turning over of documents. During the Cauty, etc, there was testimony, but it did not involve all documents involved.

(Were discussion on this point)

P B The Cauty was warned on certain data

B We agreed that we would object to any report but that we would review ~~the~~ a document for most damaging quotations. It was apparent that we wouldn't get a vote in a vote not to publish a report.

M The Cauty has reported us to pass on a list of quotations. We agreed to do that except in context.

P I think we should review it and then say it is not in such interest to release it at all.

S C We can send any letter we want following a review.

P I think we should review w/a tough eye and then say the document shouldn't be released, but if they determined, then some areas are more damaging than others.

K I think we have a proposed cert. issues which I think we have to face & establish some focus around the issue as a country has to take themselves through.

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B All we are fighting is official information of material which is already widely known. This is not a good reason on which to go to court.

P I don't want to be any part of their publishing material like this. If they want to do that, it's their responsibility.

B That is position we have taken.

P We have to say every strongly we oppose a report, but that there are some more damaging than others.

M Let's get to the other issues.

C Church is running a lot of cover premises covered up a number of making them public - for revelation. They also want to go into sensitive current ops. One of them is Cuba, and a possible threat to Korea; Congo, w/ threat to Thailand, Laos, Indonesia, etc.

Pete wants to get into Portugal & Angola. We think have turned off Portugal. We <sup>think</sup> ~~know~~ Pete & the others on Angola. I think we go but he has 2 questions - was a decision making really seriously done. The other is ~~is~~ does Angola meet a participation of ~~interest~~ & with security.

P I think in a real interest they should stay away from current ops.

K If any Centre has right to participate in Pres' certification, we are in another big mess situation.

C The same problem is that of trans. They have asked

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for all records have relation of Pomran, brief  
ITT & If we acknowledge relationship, we will  
kill the ingenuity & ability to place agents & get  
copy. We would prefer something to be written only once  
where there may be a question of impropriety.  
K. We will have a monumental job getting any copy to  
copy w/ us in the future.

C. True, but if an allegation of impropriety, we can't say  
we'll defend that.

W. (There discussion of - Angolan issue)  
H. Yes, you are right.

K. There is one issue apparently pertaining to State-  
promoting junior personnel to testify as to policy  
manipulation. The danger is that juniors will  
use this to get at their seniors who attended them as  
for some & ~~brothers~~ harass them for decisions  
they made. To do otherwise would weaken F.S.  
This to me is a question of absolute principle. It is  
like the Court against people <sup>who</sup> don't defend themselves.

K. Before we get into this on emotion, I think we should  
go through Bogart letter & remove those parts which  
do contain names & policy. The Court has a  
strong special charter & I think it is wrong to  
decide ourselves. If it is going into litigation, I think  
we should see if we cannot resolve & document.

K. The basic point of dissent was to prove a conspiracy  
in actions had a predilection for - ~~flawed~~ & thus ~~dictate~~  
~~can~~ better to - ~~dash~~ effects.

S. Seems to me you are saying there is a principle  
involved - that is, a right of junior officers to get

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to a Secy w/o fear of being exposed.

L You have a strong public position now, but I think it will wither when the letter becomes known, because 90% of a document is a recitation of fact.

Lyons: The question is not one of imprint - it is how imprint to let it happen - but what is a legal handle on it. I have to think we are weak.

S State is deep. Take Britain, where a bureau in alliance w/ Congo can stop a Secy.

R I am concerned about - integrity of C.F.S. It took us 15 yrs. to recover from the Century.

P If Boyatt was up there testifying what happened day by day, what would you say?

K I'd have no plot.

L ~~But~~ There is no doubt State & Def have prepared position, but I'm trying to preserve it for you & that means a long one can catch it.

P There are 2 issues: one is the sanctity of a channel & ~~source~~ <sup>source</sup> is testifying as to a fact. If you say a letter is acceptable. W/o having made a move, I would say we strengthen our case if we cut out extraneous material in a memo.

L I think it is foolish to imagine this case into what you want it to be. When a document gets printed in a paper I think you will wonder whether this is a case on which to make an case.

W ~~thing which would be~~ <sup>is</sup> ~~possible~~ <sup>possibility</sup> that Boyatt

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might agree to release

P From lawyer point of view, what do you recommend

L Review of document to decide going to sensitive matter & give & quote what is left, if there is some in a document. Then we are in a strong position to defend & issue

K What is your position about future of investigating agencies

L That's tough. Don't know how you can hold it

R You have to defend that on political not legal ground.

P I think we have a defensible position if we send a secret agent & a junior officer up w/ a division of testimony.

M I agree w/ strong position ~~on~~ w/ respect to oversight controls. But this is a special case & circumstance

P I think we want a confrontation where we know & as/c public we can win. We ought to find a case which will give us both of those. How we handle this case <sup>ought</sup> to fall w/ in those parameters. Our witnesses I think are on a secret track & should stand. One more, I think we should take a look at

K Zero FSO's have written letters, as have retired people like George Kennan, etc.

P Let's see if we can separate a fact from opinion

R Except from your initiative & dissent principle.

Many dissents are ~~based~~ based on a ~~single~~ <sup>single</sup> assertion that a Secy doesn't know facts. (over)

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Don't have a document by  
providing a summary of it?

L. Might be.

K. That I would do only in context of saying  
these are all the contrary views expressed to  
me.

P. Let's look at all these options & see where we  
go.

K. If I am asked to do it I'll do it, but I  
think this is a profound issue of foreign  
policy & a foreign travel. We are conceding  
to a certain principle & arguing only on  
fact.

P. But contrary is that if you get a bad case  
& lose it you have done <sup>no</sup> ~~no~~ damage

K. That is true.

P. I think we can confront them & win if  
we have the right case.

R. I think we better offer a protected cooperation  
than a by and by one (other matters).

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